

# **State of Alaska FY2006 Governor's Operating Budget**

## **Department of Administration Public Defender Agency Component Budget Summary**

## Component: Public Defender Agency

### Contribution to Department's Mission

To provide constitutionally mandated legal representation to indigent Alaskans when appointed by the Court.

### Core Services

Maintain 13 offices from Ketchikan to Barrow which provide legal representation when court ordered, for:

- Individuals accused of crimes
- Children accused of delinquent behavior
- Parents, when the state seeks custody of a child
- Mentally ill individuals, when the state seeks involuntary commitments
- Individuals accused of contempt or violating probation/parole orders

End Results	Strategies to Achieve Results
<b>A: Improved case results for criminal clients.</b>  <u>Target #1:</u> Reduce days in jail for pre-trial clients when unnecessary for public safety. <u>Measure #1:</u> Average number of days in jail/clients.  <u>Target #2:</u> Reduce days in jail for convicted clients when unnecessary for public safety. <u>Measure #2:</u> Average sentence/client.	<b>A1: Improve bail release procedures.</b>  <u>Target #1:</u> Contact clients immediately after appointment to discuss bail release plan. <u>Measure #1:</u> % of clients contacted immediately after appointment to discuss bail plan.  <u>Target #2:</u> Immediate communication with proposed third party custodians. <u>Measure #2:</u> % of proposed third parties immediately contacted.
End Results	Strategies to Achieve Results
<b>B: Improved case results for CINA clients.</b>  <u>Target #1:</u> Reduce the number of children in state custody by 50%. <u>Measure #1:</u> % change in the number of children in state custody.	<b>B1: Improve representation in initial probable cause hearings.</b>  <u>Target #1:</u> Contact clients immediately after appointment to discuss probable cause hearing. <u>Measure #1:</u> % of clients contacted immediately after appointment to discuss probable cause hearing.

FY2006 Resources Allocated to Achieve Results		
FY2006 Component Budget: \$13,396,000	<b>Personnel:</b>	
	Full time	134
	Part time	6
	<b>Total</b>	<b>140</b>

### Performance Measure Detail

#### A: Result - Improved case results for criminal clients.

**Target #1:** Reduce days in jail for pre-trial clients when unnecessary for public safety.

**Measure #1:** Average number of days in jail/clients.

**Analysis of results and challenges:** .

PD is currently working to determine the availability of data for this measure. The measurement may take place in late FY2005.

**Target #2:** Reduce days in jail for convicted clients when unnecessary for public safety.

**Measure #2:** Average sentence/client.

**Analysis of results and challenges:** .

07/01/04-09/30/04: No data available at this time. The Public Defender Agency current case management system is incapable of capturing this data. Preliminary exploration is underway with the Department of Corrections to attempt to economically access this data.

### A1: Strategy - Improve bail release procedures.

**Target #1:** Contact clients immediately after appointment to discuss bail release plan.

**Measure #1:** % of clients contacted immediately after appointment to discuss bail plan.

**Analysis of results and challenges:** .

PD is currently working to determine the availability of data for this measure. The measurement may take place in late FY2005.

**Target #2:** Immediate communication with proposed third party custodians.

**Measure #2:** % of proposed third parties immediately contacted.

**Analysis of results and challenges:** .

No data available at this time. The Public Defender Agency is working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in April 2005.

### B: Result - Improved case results for CINA clients.

**Target #1:** Reduce the number of children in state custody by 50%.

**Measure #1:** % change in the number of children in state custody.

**Analysis of results and challenges:** .

07/01/03-06/30/04: Cumulative FY04: 904 children the subject of CINA petitions; 12 reunited with family (1.3%)

07/01/04-09/30/04: Out of 129 CINA cases opened to the Agency from 7/1/04-9/30/04, 229 children were the subject of CINA petitions. 13 of these children (5.67%) have been reunited with family.

### B1: Strategy - Improve representation in initial probable cause hearings.

**Target #1:** Contact clients immediately after appointment to discuss probable cause hearing.

**Measure #1:** % of clients contacted immediately after appointment to discuss probable cause hearing.

**Analysis of results and challenges:** .

No data available at this time. The Public Defender Agency is working on modifying its case management system to capture this initial contact information and intends to implement new procedures at a scheduled technology training in April 2005.

## Key Component Challenges

Managing increased caseload and workload:

- The Public Defender Agency (PDA) was appointed to 21,364 new cases in FY2004. Over eighty new cases are appointed to the agency every working day.
- Most increases are in the more costly and time consuming cases: since FY2001, felony cases are up 17%; misdemeanor cases are up 7%; petitions to revoke probation cases are up 20%.
- There has been a forty-seven percent increase in caseload with a less than 7 percent increase in resources in previous ten year span (Legislative Audit).
- Additional troopers and prosecutors would result in caseload continuing to increase.

### Significant Changes in Results to be Delivered in FY2006

No changes in results delivered.

### Major Component Accomplishments in 2004

- Enhanced staff and administrative efficiencies through technology:
  - (a) Increased available technology including research, brief and motion banks statewide.
  - (b) Implemented case management system statewide for access to accurate data.
  - (c) Conducted successful pilot project with Court System in Palmer for electronic transfer of PD appointment paperwork and data.
- Provided cost-effective representation in over 21,300 new cases.

### Statutory and Regulatory Authority

U.S. Constitution, Amendment VI  
 Alaska Constitution, Article 1, Sec.11  
 AS 18.85.010 et seq.  
 Alaska Criminal Rule 39 and 39.1 and  
 Appellate Rule 209

The Federal Right to Counsel  
 The State Right to Counsel  
 The Public Defender Agency Enabling Statute  
 Financial Eligibility Guidelines for Appointed Counsel

### Contact Information

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### Public Defender Agency Component Financial Summary

*All dollars shown in thousands*

	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	10,050.3	11,087.3	11,913.5
72000 Travel	235.0	488.2	488.2
73000 Services	1,704.3	774.1	798.1
74000 Commodities	182.2	96.0	96.0
75000 Capital Outlay	39.7	112.2	100.2
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>12,211.5</b>	<b>12,557.8</b>	<b>13,396.0</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	11,754.5	12,053.1	12,823.3
1005 General Fund/Program Receipts	198.1	198.6	214.4
1007 Inter-Agency Receipts	50.0	96.5	99.8
1037 General Fund / Mental Health	131.5	132.2	139.8
1092 Mental Health Trust Authority Authorized Receipts	77.4	77.4	118.7
<b>Funding Totals</b>	<b>12,211.5</b>	<b>12,557.8</b>	<b>13,396.0</b>

### Estimated Revenue Collections

Description	Master Revenue Account	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	50.0	96.5	99.8
General Fund Program Receipts	51060	198.1	198.6	214.4
Mental Health Trust Authority Auth.Rec.	51410	77.4	77.4	118.7
<b>Restricted Total</b>		<b>325.5</b>	<b>372.5</b>	<b>432.9</b>
<b>Total Estimated Revenues</b>		<b>325.5</b>	<b>372.5</b>	<b>432.9</b>

**Summary of Component Budget Changes  
From FY2005 Management Plan to FY2006 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2005 Management Plan</b>	<b>12,383.9</b>	<b>0.0</b>	<b>173.9</b>	<b>12,557.8</b>
<b>Adjustments which will continue current level of service:</b>				
-FY 05 Bargaining Unit Contract Terms: GGU	21.0	0.0	0.8	21.8
-2nd Year Implementation FN for SB 170 Criminal Law/Sentencing/Probation/Parole	-6.0	0.0	0.0	-6.0
-2nd Year Implementation FN for SB224 Lowering Legal Level of Intoxication	-6.0	0.0	0.0	-6.0
-FY06 Cost Increases for Bargaining Units and Non-Covered Employees	149.3	0.0	2.4	151.7
<b>Proposed budget increases:</b>				
-Unfunded/Underfunded Caseload Increase	624.0	0.0	0.0	624.0
-Mental Health (MH) Trust Recommendations	0.0	0.0	41.2	41.2
-Benefit and Wage Cost Increases	11.3	0.0	0.2	11.5
<b>FY2006 Governor</b>	<b>13,177.5</b>	<b>0.0</b>	<b>218.5</b>	<b>13,396.0</b>

### Public Defender Agency Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2005</u> <u>Management</u> <u>Plan</u>	<u>FY2006</u> <u>Governor</u>		
Full-time	133	134	Annual Salaries	8,821,920
Part-time	6	6	COLA	29,245
Nonpermanent	13	13	Premium Pay	0
			Annual Benefits	4,179,746
			<i>Less 5.47% Vacancy Factor</i>	(712,211)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>152</b>	<b>153</b>	<b>Total Personal Services</b>	<b>12,318,700</b>

### Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk II	1	0	0	0	1
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	0	0	0	2	2
Administrative Clerk II	1	1	0	0	2
Administrative Clerk III	1	0	0	0	1
Administrative Manager II	1	0	0	0	1
Analyst/Programmer II	0	0	0	1	1
Assoc Attorney I	5	0	1	2	8
Assoc Attorney II	1	0	0	0	1
Attorney II	5	0	1	14	20
Attorney III	9	4	1	9	23
Attorney IV	16	4	2	16	38
Attorney V	4	1	0	0	5
Investigator II	0	1	0	3	4
Investigator III	0	1	0	2	3
Law Office Assistant I	6	3	3	14	26
Law Office Assistant II	3	1	0	7	11
Law Office Manager II	1	0	0	0	1
Paralegal I	0	0	0	2	2
Paralegal II	1	0	0	0	1
Public Defender	1	0	0	0	1
<b>Totals</b>	<b>57</b>	<b>16</b>	<b>8</b>	<b>72</b>	<b>153</b>